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Report of the International Atomic Energy Agency

Argentina, Brazil, Colombia, Czech Republic, Hungary, Japan, Kuwait, Poland, Romania, South Africa, Slovakia and Spain: draft resolution

Report of the International Atomic Energy Agency

The General Assembly,

Having received the report of the International Atomic Energy Agency for the year 2001,[1]

Taking note of the statement of the Director General of the International Atomic Energy Agency, in which he provided additional information on the main developments in the activities of the Agency during 2002,

Recognizing the importance of the work of the Agency in promoting the further application of nuclear energy for peaceful purposes as envisaged in the statute of the Agency and in accordance with the inalienable right of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons[2] and other relevant internationally legally binding agreements that have concluded relevant safeguards agreements with the Agency to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II and other relevant articles of the Treaty, and with the objectives and purposes thereof,

Conscious of the importance of the safeguards system of the Agency and of the importance of the work of the Agency in the implementation of the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and other international treaties, conventions and agreements designed to achieve similar objectives, as well as in ensuring, as far as it is able, that the assistance provided by the Agency or at its request or under its supervision or control is not used in such a way as to further any military purpose, as stated in article II of its statute,

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[1] International Atomic Energy Agency, *The Annual Report for 2001* (Austria, July 2002) (GC(46)/2); transmitted to the members of the General Assembly by a note by the Secretary-General (A/57/278).

[2] United Nations, *Treaty Series*, vol. 729, No. 10485.

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Reaffirming that the Agency is the competent authority responsible for verifying and assuring, in accordance with the statute and the safeguards system of the Agency, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, and also reaffirming that nothing should be done to undermine the authority of the Agency in this regard and that States parties that have concerns regarding non-compliance with the safeguards agreement of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate,

Stressing the need for the highest standards of safety in the design and operation of nuclear installations and in peaceful nuclear activities so as to minimize risks to life, health and the environment, and recognizing that a good safety record relies on good technology, good regulatory practices and well-qualified and trained staff, as well as international cooperation,

Noting that a demonstrated global record of safety is a key element for the peaceful uses of nuclear energy and that continuous efforts are necessary to ensure that the human and technical elements of safety are maintained at the optimal level, and also noting that, although safety is a national responsibility, international cooperation on safety-related matters is indispensable,

Considering that an expansion of technical cooperation activities relating to the peaceful uses of nuclear energy will contribute to the well-being of the peoples of the world, recognizing the special needs of the developing countries for technical assistance from the Agency and the importance of funding in order to benefit effectively from the transfer and application of nuclear technology for peaceful purposes as well as from the contribution of nuclear energy to their economic development, and desiring that the resources of the Agency for technical cooperation activities be assured, predictable and sufficient to meet the objectives mandated in article II of its statute,

Conscious that the work done by the Agency in the field of nuclear sciences and applications in the non-power sector contributes to sustainable development, especially with programmes aimed at enhancing agricultural productivity and food security, improving human health, increasing the availability of drinking water supplies and protecting the terrestrial and marine environment,

Recognizing the importance of the work of the Agency on nuclear power, the fuel cycle and nuclear science, nuclear techniques for development and environmental protection and nuclear safety and protection against radiation, including its work directed towards assisting developing countries in all these fields,

Welcoming the convening of the fifth Scientific Forum, on nuclear power, life cycle management, managing nuclear knowledge, and nuclear security, during the forty-sixth regular session of the General Conference of the Agency,

Taking note of the report of the Director General to the General Conference of the International Atomic Energy Agency on the implementation of Security Council

resolutions relating to Iraq,[3] of his report to the Security Council dated 10 April 2002,[4] of resolution GC(46)/RES/15 of 20 September 2002 of the General Conference,[5] noting with increasing concern that three and a half years have passed since the Agency has been able to implement its mandate in Iraq, and that the longer the suspension of Security Council resolution-related inspections in Iraq lasts, the more difficult it will be to re-establish a level of knowledge of the status of Iraq's nuclear-related assets comparable to that achieved at the end of 1998, and also noting the announced decision of the Iraqi Government to let the weapons inspectors return to Iraq without conditions,

Taking note also of resolution GC(46)/RES/14 in connection with the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons,[6] noting with serious concern both the lack of tangible progress reflected in the report of the Director General contained in document GC(46)/16 and the fact that the Democratic People's Republic of Korea has still not allowed the Agency to implement its comprehensive safeguards agreement in connection with the Treaty on the Non-Proliferation of Nuclear Weapons with the Democratic People's Republic of Korea, noting ongoing political developments in north-east Asia and expressing the hope that they may contribute to progress towards full implementation of the relevant agreements,

Taking note further of resolutions GC(46)/RES/9A on measures to strengthen international cooperation in nuclear, radiation and waste safety, GC(46)/RES/9B on transport safety, GC(46)/RES/9C on education and training, GC(46)/RES/9D on the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, GC(46)/RES/10 on strengthening of the technical cooperation activities of the Agency, GC(46)/RES/11A on strengthening Agency activities related to nuclear science, technology and applications, GC(46)/RES/11B on nuclear knowledge, GC(46)/RES/11C on Agency activities in the development of innovative nuclear technology, GC(46)/RES/11D on support to the Pan African Tsetse and Trypanosomiasis Eradication Campaign, GC(46)/RES/12 on strengthening the effectiveness and improving the efficiency of the safeguards system and the application of the Model Additional Protocol, GC(46)/RES/13 on nuclear security — progress on measures to protect against nuclear terrorism and GC(46)/RES/16 on the application of Agency safeguards in the Middle East, adopted on 20 September 2002 by the General Conference of the Agency at its forty-sixth regular session,

Recalling resolution GC(43)/RES/19 on the amendment to article VI of the statute and the statement by the President of the forty-third regular session of the General Conference of the Agency with respect to article VI, adopted on 1 October 1999 by the General Conference,

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[3] GC(46)/13.

[4] See S/2002/367.

[5] See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference*, Forty-sixth Regular Session, 16-20 September 2002 (GC(46)/RES/DEC/(2002)).

[6] International Atomic Energy Agency, INFCIRC/403.

Taking note of the statement by the President of the forty-sixth regular session of the General Conference of the Agency, which was endorsed by the General Conference at its ninth plenary meeting and issued under the item concerning Israeli nuclear capabilities and threat, that:

> "The General Conference recalls the statement by the President of the thirty-sixth session in 1992 concerning the item entitled 'Israeli nuclear capabilities and threat'. That statement considered it desirable not to consider that item at the thirty-seventh session. The General Conference also recalls the statement by the President of the forty-third session, in 1999, concerning the same agenda item. At the forty-fourth, forty-fifth, and forty-sixth sessions, the item was, at the request of certain member States, included again in the agenda. The item was discussed. The President notes that certain member States intend to include the item in the provisional agenda of the forty-seventh regular session of the General Conference",

1. *Takes note* of the report of the International Atomic Energy Agency;[1]

2. *Affirms its confidence* in the role of the Agency in the application of nuclear energy for peaceful purposes;

3. *Encourages* all States members of the Agency that have not yet done so to ratify the amendment to article VI of the statute of the Agency, recalling the adoption by the General Conference of the Agency of resolution GC(43)/RES/19 on the amendment to article VI of the statute and the accompanying statement by the President of the forty-third regular session of the General Conference;

4. *Also encourages* all States members of the Agency that have not yet done so to ratify the amendment of article XIV.A of the statute of the Agency, recalling the adoption by the General Conference of the Agency of resolution GC(43)/RES/8 on the amendment of article XIV.A of the statute, which will provide for biennial budgeting by the Agency;

5. *Consistent* with the respective safeguards undertakings of member States and bearing in mind the importance of achieving the universal application of the safeguards system of the Agency, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible, affirms that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to detecting undeclared nuclear material and activities must be implemented rapidly and universally by all concerned States and other parties in compliance with their respective international commitments, stresses the importance of the safeguards system of the Agency, including comprehensive safeguards agreements and also the Model Additional Protocol, which are among the essential elements of the system, requests all concerned States and other parties to safeguards agreements which have not yet done so, to sign additional protocols promptly, requests the States and other parties to safeguards agreements having signed additional protocols to take the necessary measures to bring them into force as soon as their national legislation allows, noting the plan of action outlined in resolution GC(44)/RES/19, encourages the secretariat of the Agency and those member States implementing elements of the plan of action to continue their efforts in that regard, as appropriate and subject to the availability of resources, and to review the progress made in this regard, and recommends that other member States consider implementing elements of the plan of action, as appropriate, with the aim

of facilitating the entry into force of comprehensive safeguards agreements and additional protocols, welcomes the completion by the Agency of the conceptual framework for integrated safeguards laid down in document GOV/2002/8 and requests the secretariat to implement integrated safeguards on a priority basis in an effective and cost-efficient manner, recognizing that elements of the conceptual framework will be further developed or refined in the light of experience, further evaluation and technological development;

6. *Urges* all States to strive for effective and harmonious international cooperation in carrying out the work of the Agency, pursuant to its statute, in promoting the peaceful uses of nuclear energy and the application of the necessary measures to strengthen further the safety of nuclear installations and to minimize risks to life, health and the environment, in strengthening technical assistance and cooperation for developing countries and in ensuring the effectiveness and efficiency of the safeguards system of the Agency;

7. *Recalls* resolution GC(46)/RES/11C on the activities of the Agency in the development of innovative nuclear technology, emphasizes the unique role that the Agency can play in developing user requirements and in addressing safeguards, safety and environmental questions for innovative reactors and their fuel cycles, emphasizes the need for appropriate extrabudgetary funding and resources for the International Project on Innovative Nuclear Reactors and Fuel Cycles, and stresses the need for international collaboration in the development of innovative nuclear technology;

8. *Stresses* the need, in conformity with the statute of the Agency, to continue to pursue activities in the areas of nuclear science, technology and applications for meeting the basic sustainable development needs of member States, and also stresses the need to strengthen technical cooperation activities, including the provision of sufficient resources, and to enhance continually the effectiveness and efficiency of the programmes;

9. *Recalls* resolution GC(46)/RES/10 on the strengthening of the technical cooperation activities of the Agency, welcomes the measures and decisions taken by the Agency to strengthen and fund its technical cooperation activities, which should contribute to achieving sustainable development in developing countries, and calls upon States to cooperate in contributing to and in implementing the measures and decisions pursuant thereto;

10. *Reaffirms* the importance of all the measures contained in resolution GC(46)/RES/16 on the application of Agency safeguards in the Middle East, and calls upon all States in the region to implement all the provisions contained therein, including the application of full-scope Agency safeguards to all their nuclear activities, adherence to international non-proliferation regimes and the establishment of a nuclear-weapon-free zone in the region;

11. *Commends* the Director General and the secretariat of the Agency for their continuing, impartial efforts to implement the safeguards agreement still in force between the Agency and the Democratic People's Republic of Korea, recognizes the important role of the Agency in monitoring the freeze of nuclear facilities in that country, as requested by the Security Council, notes with growing concern that, although the Democratic People's Republic of Korea is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Agency continues to be

unable to verify the accuracy and completeness of the initial declaration of nuclear material made by it and is therefore unable to conclude that there has been no diversion of nuclear material in the Democratic People's Republic of Korea, reiterates its deep concern about the continuing non-compliance of the Democratic People's Republic of Korea with the safeguards agreement between that country and the Agency, again urges the Democratic People's Republic of Korea to comply fully and promptly with its safeguards agreement, inter alia, by taking all steps the Agency deems necessary to preserve all information relevant to verifying the accuracy and completeness of its initial declaration, strongly encourages the Democratic People's Republic of Korea to respond positively and without further delay to the detailed proposal of the Agency dated May 2001 for the first concrete steps needed for verification of the accuracy and completeness of its initial declaration, and calls upon the Democratic People's Republic of Korea to begin promptly full cooperation with the Agency for the verification of the accuracy and completeness of its initial declaration, in view of the considerations contained in paragraph 6 of the report of the Director General contained in document GC(46)/16 and the independent technical judgement, stated since 1999 by the Director General, that the work required would take three to four years, assuming full cooperation by the Democratic People's Republic of Korea;

12. *Also commends* the Director General of the Agency and his staff for their strenuous efforts to implement all the relevant Security Council resolutions relating to Iraq, calls upon Iraq to implement in full and without further delay all relevant Security Council resolutions, and in this regard to cooperate fully with the Agency and to provide immediate, unconditional, and unrestricted access to enable it to carry out its mandate, and stresses that, upon its return to Iraq, the Agency must resolve the key issue of whether Iraq's nuclear activities and capabilities have changed since December 1998;

13. *Welcomes* the entry into force on 24 October 1996 of the Convention on Nuclear Safety,[7] appeals to all States, particularly those operating, constructing, or planning nuclear power reactors, which have not yet taken the necessary steps to become parties to the Convention to do so, and notes with satisfaction the report of the second review meeting of the contracting parties to the Convention, particularly the conclusion that significant progress had been made since the first review meeting in the areas of legislation, regulatory independence, financial resources for regulators and operators, implementation of safety improvements in installations built to earlier standards, and the emergency preparedness;

14. *Notes with satisfaction* that the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management[8] entered into force on 18 June 2001, and appeals to all States which have not yet taken the necessary steps to become parties to it to do so in time to attend the first review meeting of the contracting parties due to be held in November 2003;

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[7] International Atomic Energy Agency, INFCIRC/449.

[8] International Atomic Energy Agency, INFCIRC/546.

15. *Recalls* resolution GC(46)/RES/9B on transport safety, urges States to participate in the 2003 International Conference on the Safety of Transport of Radioactive Material, with a view to addressing in a comprehensive way and following up as necessary all issues contained in the agreed conference programme, recalls maritime, river and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments, recalls that, under international law, States have the obligation to protect and preserve the marine environment, urges States to ensure that their national regulatory documents governing the transport of radioactive materials are in conformity with the latest edition of the Agency Transport Regulations, encourages member States to avail themselves of the Transport Safety Appraisal Service, with a view to achieving the highest levels of safety during the transport of radioactive materials, welcomes the practice of some shipping States and operators of providing in a timely manner information and responses to relevant coastal States in advance of shipments for the purposes of addressing concerns regarding safety and security, including emergency preparedness, and invites others to do so, in order to improve mutual understanding and confidence regarding shipments of radioactive materials, noting that the information and responses provided should in no case be contradictory to the measures of physical protection and safety, emphasizes the importance of maintaining dialogue and consultation aimed at improving mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials, stresses the importance of having effective liability mechanisms in place to ensure against harm to human health and the environment, as well as actual economic loss due to an accident or incident during the maritime transport of radioactive materials, and stresses the importance of wide adherence to the international nuclear liability regime established by the Vienna Convention on Civil Liability for Nuclear Damage,[9] as amended in 1997, and related treaties;

16. *Also recalls* resolution GC(46)/RES/13 on nuclear security — progress on measures to protect against nuclear terrorism, commends the Director General and the secretariat for their prompt and constructive response to the requests made in resolution GC(45)/RES/14 relevant to the improvement of nuclear security (including the security of radioactive materials) and protection against nuclear terrorism and, in this context, decides to bear in mind, in its continued drafting of an international convention on the suppression of acts of nuclear terrorism, those activities of the Agency, notes the arrangements implemented to provide funding for the Nuclear Security Fund through voluntary contributions, and calls upon all member States to continue to provide political, financial, and technical support, including in-kind contributions, to improve nuclear security and prevent nuclear terrorism and to provide to the Nuclear Security Fund the political and financial support it needs, urges member States to strengthen their national efforts to secure all radioactive sources within their borders, invites member States to take note of the Code of Conduct of the Safety and Security of Radioactive Sources and to consider means of ensuring its wide application, invites all States to participate in the Illicit Trafficking Database programme on a voluntary basis, welcomes the decision of the Director General to convene and maintain an Advisory Group on Security, appeals to States that have not yet done so to accede to the Convention on the Physical

[9] United Nations, *Treaty Series*, vol. 1063, No. 16197.

Protection of Nuclear Material,[10] but notes with concern the lack of progress made on the work of the open-ended group of legal and technical experts convened by the Director General in order to prepare a draft of a well-defined amendment aimed at strengthening the Convention on the Physical Protection of Nuclear Material, calls for the early finalization of the negotiations on such an amendment and takes note of the steps taken by the secretariat of the Agency to ensure confidentiality of information relevant to nuclear security;

17. *Requests* the Secretary-General to transmit to the Director General of the Agency the records of the fifty-seventh session of the General Assembly relating to the activities of the Agency.

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[10] United Nations, *Treaty Series*, vol. 1456, No. 24631.